

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

'09 JUL -8 P1 58

UNITED STATES OF AMERICA,

Plaintiff,

JON W. SANFILIPPO
CLERK

v.

Case No. 09-CR-
[18 U.S.C § 1344]

09 CR-170

PETER T. ELLIOTT,

Defendant.

INFORMATION

THE UNITED STATES ATTORNEY CHARGES:

1. From approximately September 2008 through October 2008, in the State and Eastern District of Wisconsin,

PETER T. ELLIOTT

knowingly executed a scheme to defraud a federally insured financial institution, which scheme involved misrepresentations and deceptions concerning material matters.

2. At all times relevant to this information, the deposits of Associated Bank were insured by the Federal Deposit Insurance Corporation.

3. From June 1974 through October 31, 2008, Elliott was an attorney licensed to practice law in the State of Wisconsin.

4. In connection with his law practice, Elliott maintained an Interest on Lawyers Trust Account (IOLTA) at Associated Bank. An IOLTA is an account in which an attorney holds funds in trust for the attorney's clients.

5. The funds in an IOLTA account are ultimately to be disbursed only to, or on behalf of, the attorney's clients.

6. No funds belonging to the attorney may be deposited into the attorney's IOLTA account.

7. In the late 1990s, Elliot began occasionally using funds in his IOLTA account for personal purposes. Over the course of approximately ten years, Elliot diverted approximately \$2.5 million in IOLTA funds to his own personal use.

8. To cover the resulting deficit in his IOLTA account, Elliot devised a check kiting scheme in September 2008. According to that scheme, Elliot regularly deposited into his IOLTA account checks drawn on his personal checking account at Wells Fargo Bank. Within days of presenting a particular Wells Fargo check to Associated Bank for deposit in his IOLTA account, Elliot would request that Wells Fargo stop payment on the check.

9. The result was to temporarily and artificially inflate the IOLTA account balance, making it appear that the account had sufficient funds to cover the large checks that Elliot wrote against the IOLTA account between the time of the deposits and the time of the subsequent stop-payments.

10. Between September 25, 2008, and October 31, 2008, Elliot deposited and stopped payment on a total of 57 checks totaling more than \$35 million. Among those checks were those identified in paragraph 11 below.

THE UNITED STATES ATTORNEY FURTHER CHARGES:

Execution of the Scheme

11. On or about the dates indicated, in the State and Eastern District of Wisconsin,

PETER ELLIOTT

executed and attempted to execute his scheme to defraud a federally insured financial institution in the manner described below:

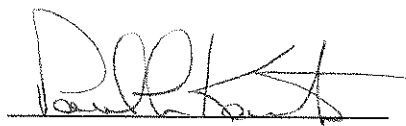
<u>Count</u>	<u>Date</u>	<u>Description of Execution</u>
One	September 30, 2008	Elliott deposited check number 21813, in the amount of \$672,619.17, which was drawn on a personal account he maintained at Wells Fargo Bank, into an IOLTA account he maintained at Associated Bank. That same day, Elliott wrote a check from his IOLTA account in the amount of \$672,619.17. On October 3, 2008, Elliott caused Wells Fargo Bank to stop payment on check number 21813.
Two	October 1, 2008	Elliott deposited check number 21819, in the amount of \$665,000, which was drawn on a personal account he maintained at Wells Fargo Bank, into an IOLTA account he maintained at Associated Bank. That same day, Elliott wrote a check from his IOLTA account in the amount of \$488,634.24. On October 7, 2008, Elliott caused Wells Fargo Bank to stop payment on check number 21819.
Three	October 3, 2008	Elliott deposited check number 20333, in the amount of \$700,000, which was drawn on a personal account he maintained at Wells Fargo Bank, into an IOLTA account he maintained at Associated Bank. That same day, Elliott wrote checks from his IOLTA account totaling \$506,145.06. Elliott caused Wells Fargo to stop payment on check number 20333 on October 9, 2008.

Four

October 13, 2008

Elliott deposited check number 21669, in the amount of \$350,000, which was drawn on a personal account he maintained at Wells Fargo Bank, into an IOLTA account he maintained at Associated Bank. That same day, Elliott wrote a check from his IOLTA account in the amount \$383,955.15. Elliott caused Wells Fargo to stop payment on check number 21669 on October 17, 2008.

All in violation of Title 18, United States Code, section 1344(1).


MICHELLE L. JACOBS
Acting United States Attorney